

REGULAR CITY COUNCIL MEETING

JULY 29, 1985

PRESENT

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Craig Greathouse	Council Member
Ruth Hansen	Council Member
Gayle Bunker	Council Member
Neil Dutson	Council Member

ABSENT

Jim Allen	City Manager
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OTHERS PRESENT

Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
John Quick	City Engineer
Kathleen Poulsen	City Resident
Faye Tennant	County Resident
Elladene Corbett	County Resident
Don Morris	County Resident
Howard Clayton	County Resident
Fred Tolbert	County Resident
Walter Ekins	Hinckley Town Mayor
Vincent Crawford	Utah Power & Light Company
Bryce Ashby	City Fire Chief

Mayor Grant Nielson called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mayor Nielson stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the Millard County Gazette, and the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held July 15, 1985, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Don Dafoe MOVED the minutes be approved as corrected. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any questions or comments regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

ACCOUNTS PAYABLE

A copy of the accounts payable to be presented for the Council's approval had been distributed to the City Council Members two days prior to the meeting. Following a general discussion of the accounts payable, Council Member Craig Greathouse MOVED the accounts payable be approved for payment in the amount of \$17,484.24. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson then asked if there were any further comments or questions regarding the accounts payable. There being none, he called for a vote on the motion. The motion carried unanimously.

CITY ATTORNEY WARREN PETERSON: DECISION ON BUILDING INSPECTOR PROPOSAL FOR ADOPTION OF CODES AND FEE SCHEDULES

Mayor Nielson requested that City Attorney Warren Peterson review with the Council the building inspector's proposal for adoption of the 1985 Uniform Building Codes and the separate schedule of fees proposed by the inspector. Attorney Peterson reminded the Council that at the July 15 Regular City Council Meeting the Council had received a letter dated July 15, 1985, addressed to the Millard County Commission and the Delta City Council from the City/County Building Inspector, Jerry Reagan, addressing the proposed adoption of the 1985 Uniform Building Codes and Fees. Attorney Peterson suggested the codes and fees could be included as part of the zoning ordinance that is being proposed for adoption at the present time. Following a brief discussion of the matter, it was the opinion of the Council that the updated building code would be included as part of the proposed zoning ordinance and the building fees would be adopted separately, by resolution, at a later date.

FAYE TENNANT: DONATION OF INDIAN ARTIFACT COLLECTION TO DELTA CITY

Mayor Nielson recognized Faye Tennant, daughter of John Fullmer, and invited her to address the Council regarding the Indian artifact collection owned by the John Fullmer Family. Mrs. Tennant told the Council she was acting as the spokesperson for the John Fullmer family. Mrs. Tennant then explained that her father, John W. Fullmer, had spent hundreds of hours in the West Millard area collecting the Indian artifacts, and after his death, his children had decided that the collection should be placed in a location where the public could enjoy and benefit from the history of the area that the collection represented. Therefore, she said it was the decision of the family to donate the collection to Delta City for public display, with the agreement that if for any reason the City should at some future date decide the collection should not be kept at City Hall, the collection would then be returned to the family. Following a brief discussion of the collection, Council Member Craig Greathouse MOVED the Council accept the Indian artifact collection of the John W. Fullmer family and have a display case built for the purpose of displaying the collection in the main hall of the Delta City Municipal Building. Also, the Council instructed Attorney Peterson to prepare an agreement accepting the collection and stating that if in the future it is determined that the collection should not be kept at City Hall, the collection would be returned to the John W. Fullmer family. The motion was SECONDED by Council Member Ruth Hansen. Mayor Nielson then asked if

there were any further comments or questions regarding the motion or the collection. There being none, he called for a vote on the motion. The motion passed unanimously. Mayor Nielson and the Council then thanked Faye Tennant, Kathleen Poulsen, and Elladene Corbett, daughters of John W. Fuller, for their donation and their attendance at the Council Meeting.

DELL ASHBY: DISCUSSION/DECISION OF BUILDING PERMIT COST FOR SENIOR CITIZENS HOUSING COMPLEX

Mayor Nielson stated that because Mr. Ashby was unable to be in attendance at the meeting, he recommended this item on the agenda be tabled until such time as Mr. Ashby would be able to attend the Council Meeting. The Council concurred.

FRED TOLBERT/HOWARD CLAYTON: REQUEST FOR CITY'S PARTICIPATION IN PURCHASING SAW MILL BASIN STEAM ENGINE

Mayor Nielson recognized Fred Tolbert, committee member of the Saw Mill Basin Steam Engine Preservation Committee, and asked him to address the Council regarding the City's participation in the preservation of the Saw Mill Basin Steam Engine. Mr. Tolbert thanked the Mayor and Council for allowing him to address the Council regarding the Saw Mill Basin Steam Engine. He then presented the following document for their review:

The purpose of bringing the steam engine back to the valley is to focus the interest of all citizens in our area on our heritage and historical past. This is an opportunity for everyone to become involved in a project to preserve and honor the past.

We feel a need to establish a historical center to house items of interest used by our ancestors in the settlement of our area.

This steam engine was made by the Case Co. in 1893. It was brought to our area where it was used to thresh grain and alfalfa seed in the fall and winter months. During the spring and summer it was used to saw lumber.

It was used to saw wood in Granite Canyon north of Trout Creek. In 1904, it was taken to Dry Creek, east of Oak City to saw wood until 1906. In 1910 it was taken to the Swazy Mountain and used there to saw wood. It was left there in what became known as the Saw Mill Basin until 1964 when Sheldon Parker took it to Salt Lake City, Utah.

Adrian Alldredge and Palmer Wrockloff got the steam engine from Mr. Parker and restored it. They worked on the steam engine from June, 1966 to September, 1977.

On July 22, 1985, it was then purchased by a group of area citizens and brought back to our area. Any contributions received will be used to further the establishment of a historical center or museum in our area.

All contributions should be made out to the Saw Mill Basin Steam Engine. All those contributing \$100.00 or more will become members of the Century Club.

Send contributions to:

Howard Clayton, P.O. Box 524, Rt. 1, 84624
Don Morris, P.O. Box 270, 84635
Lee Tippetts, P.O. Box 1117, Rt. 1, 84624
Fred Tolbert, Star Rt, Box 56, 84635
Waldo Warnick, Jr., P.O. Box 82, 84635

Mr. Tolbert told the Council that the purpose of meeting with the Council was to introduce to the Council the project of a proposed historical center or museum for the West Millard area and to discuss any interest or ideas the Council may have to assist in this project. The aforementioned steam engine is just one of the many items that could be housed within a historical park, he said. He also said that having a historical park in our area could also help promote tourism. Mr. Tolbert further stated that there are many items, such as old tractors, threshing machines, etc., that have played a great part in the history of our county. He said there has been a group organized that is endeavoring to establish some sort of a historical center for the display of such items. Mr. Tolbert said there are many people within the county who have stated they are very interested in donating historical items, but to date there has not been a location to display these items.

Following a very lengthy discussion of the matter, it was the opinion of the Council that the Delta City Council will assist the project in any way they can, and suggested that the Century Club meet with Jane Beckwith, who is associated with the Utah State Historical Society, and also stated that there may be some state monies available for such a project as this.

Mayor Nielson then thanked the gentlemen in attendance at the meeting for their interest in the project and for the work that they have completed to date, and encouraged them to continue their efforts in promoting the historical park.

CHIEF ROGER YOUNG: RECOMMENDATION FOR LIQUOR CONSUMPTION LICENSE FOR HERMIE'S/THE LOFT RESTAURANT

Mayor Nielson asked Chief of Police Roger Young to address the issue of a proposed consumption license for Hermie's Cafe. Chief Roger Young then presented the following memorandum for the Council's review:

MEMORANDUM

TO: Delta City Council
FROM: Chief Roger J. Young
RE: Application Approval - William Garrett
DATE: July 26, 1985

This letter is being submitted to you per Section 9-424 of the Delta City Ordinances with my recommendation.

The business is oriented towards the serving of food to the public, and the type of people who have been observed using this business have not been of any bad moral character. The Delta City Police Department has not been required to respond to the business on any complaints of disturbance or any disorderly conduct. The Delta City Police Department does not have any knowledge of any type of illegal activity being conducted on the premises.

It would be my recommendation that a consumption license be approved for Mr. William Garrett for the Loft Restaurant to be operated on the second floor of the business being presently operated as Hermies.

RJY

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Following the reading of the above memo, Chief Young told the Council he felt that there was a need for this type of business license to be issued and would highly recommend that the Council approve the application from consumption license submitted by Mr. William Garrett. Following a brief discussion of the license, Council Member Gayle Bunker MOVED the Council grant approval for the application of a liquor consumption license for The Loft restaurant owned and operated by William Garrett. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there were any further comments or questions regarding the motion or the license. There being none, he called for a vote on the motion. The motion passed unanimously.

CITY ENGINEER JOHN QUICK: DELTA STORM DRAIN FINAL PAYMENT REQUEST -- RON JOHNSON CONSTRUCTION COMPANY

Mayor Nielson asked City Engineer John Quick to present for Council's consideration and approval payment request for construction completed within the Delta City limits. Mr. Quick reviewed with the Council the following memorandum regarding Ron Johnson Construction Company for work on the Delta Storm Drain for final payment:

MEMORANDUM

TO: Ron Johnson Construction Company
Delta City

FROM: John Quick

RE: Delta Storm Drain Final Payment

DATE: July 18, 1985

A final review of the project and quantities have been made and a final "Punch List" of items was prepared and reviewed by Ron Johnson and Neil Forster. It has been agreed to adjust the final payment as follows to settle the remaining problem areas:

SUMMARY OF FINAL PAYMENT AGREEMENT

The final payment amount for the installed storm drain system has been determined to be \$ 30,153.55
(per the final payment form and final change order)

Amount of back charge for inlet boxes at Center Street and 200 South per agreement \$ (1,300.00)

TOTAL OF CHECK FOR RON JOHNSON CONSTRUCTION COMPANY \$ 28,853.55

The following amounts are expenses paid for by Delta City which need to be reimbursed before the check for Ron Johnson will be issued:

Concrete Pavement \$1,166.30

Repair Work at 100 West St. 1,000.00

TOTAL \$2,166.30

Mr. Quick told the Council the request for Ron Johnson was for the amount of \$28,853.55; however, there are some expenses that have been paid by Delta City that Mr. Ron Johnson has agreed to reimburse Delta City for. These expenses are for concrete pavement in the amount of \$1,166.30 and for repair work at 100 West Street in the amount of \$1,000.00, or a total of \$2,166.30. Following a brief discussion, Council Member Craig Greathouse MOVED that the Council approve final payment to Ron Johnson for work completed on the Delta Storm Drain Project in the amount of \$28,853.55, with the check to be issued

to Mr. Johnson after Mr. Johnson has delivered a check to Delta City in the amount of \$2,166.30 for reimbursement of expenses paid. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he called for a vote on the motion. The motion passed unanimously.

CITY ENGINEER JOHN QUICK: PAY REQUEST FOR VALLEY ASPHALT

Mayor Nielson asked City Engineer John Quick to present to the Council for their consideration and approval for payment a pay request for Valley Asphalt Company. City Engineer John Quick then presented Partial Payment Estimate (No. 2) for Valley Asphalt Company in the amount of \$126,869.88.

Following a brief discussion of the payment request, City Recorder Dorothy Jeffery asked the Council if they would consider making the approval of payment conditioned upon Valley Asphalt and City Engineer John Quick presenting to her office a copy of the original signed document for the work being done by Valley Asphalt Company. Mayor Nielson then asked City Recorder Dorothy Jeffery if she had a copy of the contract with Valley Asphalt, to which Mrs. Jeffery answered "No". Council Member Neil Dutson then MOVED the Council approve payment of \$126,869.88 for work completed to date by Valley Asphalt subject to the original contract document being delivered to City Recorder Dorothy Jeffery for her files. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson then asked if there were any comments or questions regarding the motion or the payment request. There being none, he called for a vote on the motion. The motion passed unanimously. Mayor Nielson then instructed City Engineer John Quick to work with Valley Asphalt in getting the original contract for the records of the Delta City Office.

CITY ENGINEER JOHN QUICK: PAY REQUEST FOR STATE PAINTING

Mayor Nielson asked City Engineer John Quick to present to the Council for consideration and approval of payment the pay request for State Painting. Mr. Quick then presented Partial Payment Estimate Number 2 for State Painting Company for work completed to date on the Delta City water tank and building project in the amount of \$23,528.94.

Following a brief review of the pay request, Council Member Craig Greathouse MOVED to approve payment to State Painting for Pay Request Estimate Number 2 for work completed to date on the Delta water tank building project in the amount of \$23,528.94. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson then asked if there were any questions or comments regarding the motion or the payment request. There being none, he called for a vote on the motion. The motion passed unanimously.

CITY ENGINEER JOHN QUICK: PAY REQUEST FOR BUSH & GUDGELL FOR WORK COMPLETED TO DATE BY THEIR ENGINEERING FIRM

City Engineer John Quick presented pay request from Bush & Gudgell for Job Number 2-36324, Sewer System Phase III, prepare plans and specification and construction documents. The billing to date is \$948.00. Council Member

Craig Greathouse MOVED the Council approve payment of the \$948.00 for work completed to date on Sewer System Phase III. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there were any further comments or questions regarding the motion or the payment. There being none, he called for a vote on the motion, which passed unanimously.

City Engineer John Quick then presented a pay request from Bush & Gudgeall, Inc., for job number 2-37438, storm drain design. This work was completed at 100 North Street with a credit adjustment on Center Street. The final pay request amount to date is \$1700.20. Council Member Craig Greathouse MOVED the Council approve payment for job number 2-37438, storm drain design, for work completed on 100 North Street to date in the amount of \$1700.20. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there were any comments or questions regarding the motion or the payment request. There being none, he called for a vote on the motion, which passed unanimously.

Mr. Quick then presented a payment request from Bush & Gudgeall, Inc., for job number 2-37444, street improvement for preparing plans, profiles, specifications and contract documents for street improvement in the amount of \$36,431.26. Council Member Don Dafoe MOVED the Council approve pay request for job number 2-37444, street improvement project, in the amount of \$36,431.26. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

Mr. Quick then presented pay request from Bush & Gudgeall, Inc., for job number 2-37798, water tank, and explained that there was an amount listed on the agenda for \$2,263.50; however, a check has been received from Delta City to Bush & Gudgeall, Inc. for that amount. Therefore, this bill has been paid in full.

The next item Mr. Quick presented was a pay request from Bush & Gudgeall, Inc., for job number 2-37933, water tank and pump house plans and specifications -- prepare plans, specifications and contract documents for water storage tank refinish, elevated tank refinish, and water well building. The statement as listed on the agenda is \$6,192.94; however, all but \$442.00 of this bill has been paid. Council Member Don Dafoe then MOVED the Council approve payment for work completed to date on water tank and pump house plans and specifications in the amount of \$442.00. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there were any comments or questions regarding the amount of the bill. There being none, he called for a vote on the motion. The motion passed unanimously.

COUNCIL MEMBER CRAIG GREATHOUSE: DISCUSSION OF COUNTY FIRE PROTECTION AND FUNDING

Mayor Nielson asked Council Member Craig Greathouse if he would discuss with the Council the information he had regarding Millard County fire protection and funding. Mr. Greathouse said he had met with the Millard County

Commission and discussed Millard County's share of the cost of operating the Delta City Fire Department for the fiscal year of 1985-86. It was agreed at an earlier meeting with Millard County Commissioner Abner Johnson that Millard County would pay \$25,000 for the Millard County share of the expenditures of Delta City's Fire Department for the 1985-86 fiscal year budget; however, to date only \$9,621.91 has been received towards this bill, leaving a balance of \$15,378.09. Mr. Greathouse said Millard County has agreed to pay the \$15,378.09, making a total of \$25,000, and Delta City has agreed that there will not be any additional billings to Millard County for fire protection by the Delta City Fire Department until January 1, 1986, which is the beginning of the budget year for Millard County. At this time there will be a contract between Millard County and Delta City for the calendar year beginning January 1, 1986, for fire protection by the Delta City Fire Department.

MAYOR GRANT S. NIELSON: RESOLUTION TO JOIN MILLARD COUNTY FIRE DISTRICT

Mayor Nielson asked Council Member Craig Greathouse to address the issue of the proposed resolution to join the Millard County Fire District. Mr. Greathouse said the Millard County Commission has requested Delta City join a special service district to provide fire protection services within the boundaries of Millard County. The County Commission addressed the letter to Mayor Nielson stating the above request, pursuant to the Utah Code Annotated, Section 11-23-6, as amended, and requested that the Delta City Council consent to the inclusion of Delta City within the district. Council Member Craig Greathouse said that under the proposed Millard County Resolution Number 85-07-09, as presented by the Millard County Commission, the County would then have full control over the operation of the fire district, and because of this Mr. Greathouse suggested the proposed resolution as shown on the Delta City's agenda should be tabled until further research can be done. Mayor Nielson asked Attorney Peterson for his opinion regarding the fire district. Mr. Peterson said that in a meeting held recently with Council Member Craig Greathouse, City Manager Jim Allan, and Attorney Warren Peterson as representatives from Delta City, and County Commissioner Warren Jensen, County Attorney Steven Jackson, and County Administrator Robyn Pearson as representatives from Millard County, the idea was to prepare a contract between Millard County and Delta City. Instead of using the procedure of funding by invoices, the County's share would be by contract and would be a lump sum amount, which would allow Delta City to control the operation and maintenance of the Delta City Fire Department. Millard County would be responsible to perform the contract, or the County Commission could assign the contract to the fire district. Delta City could conditionally join the fire district, the condition being that the fire district board would vote to assume the contract between Delta City and Millard County for fire protection.

There was some discussion of having each of the fire departments owned and maintained by the separate communities, with the fire district being created as a means of funding. The funding would be based on the number of fires, the population, etc. Council Member Don Dafoe questioned whether the contract would be written in such a manner that the longevity would be extended year after year. Attorney Peterson said Delta City owns their own

fire trucks, fire buildings and other equipment, plus their firemen are hired by Delta City by payment of their insurance. Therefore, if Delta City does not turn over the fire department to the County, the County would have to choose to either contract with Delta City for the use of the fire department or build their own fire department and staff it. Council Member Craig Greathouse said Delta City could fund their own fire department, as they are doing now, and contract for any protection outside of the Delta City limits with the fire district board.

Following further discussion of the issue, it was the opinion of the Council that the proposed resolution to join the Millard County fire district should be tabled until further research has been completed regarding the fire district.

COUNCIL MEMBER RUTH HANSEN: DISCUSSION/DECISION ON MONIES DONATED TO THE DELTA CITY LIBRARY

Mayor Nielson asked Council Member Ruth Hansen to address the issue of the donations made to the Delta City Library. Council Member Ruth Hansen said that during the last 2½ years \$6,000 was donated to the library for a special library fund. This money ended up in the general fund, rather than in the library fund. Council Member Ruth Hansen then MOVED that the 1985-86 budget be re-opened and that \$6,000.00 from the amount carried over from the last year's budget be placed in the library trust fund. In order to do this, Council Member Hansen further MOVED that a public hearing be scheduled for 6:30 p.m. on Monday, August 12, 1985. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion carried unanimously.

COUNCIL MEMBER DON DAFOE: CONSIDERATION FOR APPROVAL OF STREET LIGHTING SYSTEM

Mayor Nielson asked Council Member Don Dafoe to review the proposed street lighting system with the Council. Mr. Dafoe reviewed a proposed Street Lighting Agreement with the Council.

Following a brief discussion of the proposed Street Lighting Agreement, Council Member Don Dafoe MOVED the Council authorize Mayor Nielson to sign the street lighting agreement with Utah Power & Light for 48 street lights. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion carried unanimously.

MAYOR GRANT S. NIELSON: DISCUSSION/DECISION OF CONTRACT WITH KNAK FOR ANIMAL IMPOUND NOTIFICATION OVER THE RADIO

Mayor Nielson stated that Jim Fletcher, manager of KNAK radio station, was unable to be in attendance at the meeting. Mayor Nielson therefore recommended the item be tabled until such time as Mr. Fletcher could attend the meeting. Council Member Neil Dutson MOVED the Council table the discussion/decision of contract with KNAK for animal impound notification

over the radio until such time as Mr. Jim Fletcher could be in attendance at the meeting. The motion was SECONDED by Council Member Ruth Hansen. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

CITY ATTORNEY WARREN PETERSON: DISCUSSION OF PROPOSED MASTER PLAN

Mayor Nielson asked City Attorney Warren Peterson to address the issue of the proposed master plan and the proposed zoning ordinance with the Council for their consideration and adoption. Mr. Peterson stated that due to the number of possible changes in both the master plan and the proposed zoning ordinance revised during the public hearing, he needed to know if the Council wanted to accept the documents with the noted changes or if they would feel more comfortable with having the documents re-written with the changes included prior to the adoption. Following a brief discussion of the matter, Council Member Gayle Bunker MOVED that the proposed master plan and the proposed zoning ordinance be tabled and placed on the August 12 agenda for consideration of adoption. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson then asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

CITY ATTORNEY WARREN PETERSON: RESOLUTION SETTING THE 1985 MILL LEVY

Mayor Nielson asked City Attorney Warren Peterson to present for the Council's consideration and approval a resolution setting the 1985 mill levy for Delta City. Mr. Peterson then reviewed the resolution regarding the proposed property tax levy for fiscal year 1985-86 with the Council. Council Member Don Dafoe MOVED to adopt resolution number 85-132 entitled:

A RESOLUTION ESTABLISHING AND SETTING THE REAL AND
PERSONAL PROPERTY TAX LEVY FOR FISCAL YEAR 1985-86 FOR
PROPERTY WITHIN THE JURISDICTION OF THE CITY OF DELTA,
UTAH.

The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson then called for a roll call vote on the motion. The voting was as follows:

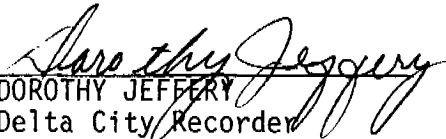
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Ruth Hansen	Yes
Council Member Gayle Bunker	Yes
Council Member Craig Greathouse	Yes

The motion carried. The resolution was then signed by Mayor Grant S. Nielson and attested by City Recorder Dorothy Jeffery.

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Mayor Nielson then asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Don Dafoe. The meeting adjourned at 10:35 p.m.


GRANT S. NIELSON, Mayor

Attest: 
DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: September 9, 1985